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INTELLECTUAL PROPERTY LAW

To: U.S. Patent & Trademark Office	From: Thomas E. Toner
Attn: Ernest G. Therkorn, Art Unit 1723	Client: 1372.204.PRCWOUS
Fax: (571) 273-8300	Pages: 4 including coversheet
Phone: (571)-272-1149	Date: January 24, 2006
Re: USSN: 10/716, 310	CC: University of South Florida (Assignee)

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Therkorn:

In response to the Office communication concerning this application or proceeding, mailed January 20, 2006, we enclose the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 24, 2006 (1 page); and
2. Response to Election/Restriction Requirement (2 pages).

Very Respectfully,

Thomas E. Toner  
Reg. No. 57, 422

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**JAN 24 2006**

Practitioner's Docket No. 1372.204.PRWOUS

## PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of: Abdul Malik**

Serial No.: 10/716,310

**Filed: 11/18/2003**

**For: Sol-Gel Dendron Separation and Extraction Capillary Column**

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Art Unit: 1723

**Examiner: Ernest G. Therkorn**

Confirmation: 7300

Faxed to Central Fax at (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

**STATUS**

2. Applicant is an independent inventor.

### EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**SIGNATURE OF PRACTITIONER**

**Thomas E. Toner**  
**Smith & Hopen, P.A.**  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760  
(727) 507-8558

Reg. No.: 57,422  
Customer No.: 21,901

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1723, Attn: Ernest G. Therkorn, (571) 273-8300 on January 24, 2006.

**Dated: January 24, 2006**

April Turley

(Restriction Requirement – Transmittal)

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**JAN 24 2006**

**Practitioner's Docket No.: 1372.204.PRWOUS**

**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Abdul Malik**

Serial No.: **10/716,310**

Filed: **11/18/2003**

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)  
) Art Unit: **1723**  
) Examiner: **Ernest G. Therkorn**  
) Confirmation **7300**  
)  
)

For: **Sol-Gel Dendron Separation and  
Extraction Capillary Column**

Faxed to Central Fax at (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicant responds to the nonfinal Examiner's action mailed January 20, 2006, having a shortened statutory period for response set to expire February 20, 2006 as follows:

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Applicant previously elected to prosecute Group I claims 1-10, 18-25 and 28-29, drawn to a capillary column. The election of Group I was made without traverse. Applicant thanks the office for bringing the deficiency of the prior election as well as the Office's recognition that Applicant's previous response was *bona fide*.

Applicant hereby elects the species comprising the sol-gel precursor Z. Applicant presents claims 1, 6-10, 18-19, and 24-29 as reading on the elected species.

**REMARKS**

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

(Restriction Requirement Reply - Page 1 of 2)

SMITH & HOPEN

By: 

Thomas E. Toner

Reg. No. 57,422

Suite 220

15950 Bay Vista Drive

Clearwater, FL 33760

(727) 507-8558

Attorneys for Applicant

Dated: January 24, 2006

pc: University of South Florida (Assignee)


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CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1723, Attn: Ernest G. Therborn, (571) 273-8300 on January 24, 2006.

Dated: January 24, 2006

  
April Turley

(Restriction Requirement Reply - Page 2 of 2)